

Planning Commission Date: February 23, 2005

Item No. **1.**

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes:   X   No:       

Notices Mailed On: 1-28-05

Published On: 1-27-05

Posted On: 1-28-05

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**TITLE:** **SITE AND ARCHTECTURAL APPROVAL AMENDMENT  
NO. SA2004-123**

**Proposal:** A request to permit five (5) accessory structures, site lighting and a perimeter property fence for a hillside residence.

**Location:** 1594 Pebble Beach Court (APN:029-55-018)

**RECOMMENDATION:** **Recommend approval to City Council.**

**Applicant:** Jitender Makker, Edge Concept, Inc., 38833 Bell Street #210,  
Fremont, CA 94536

**Property Owner:** Remulo and Pepita Millan, 1594 Pebble Beach court, Milpitas CA  
95035-7606

**Previous Action(s):** Site and Architectural Approval

**Environmental Info:** Exempt

**General Plan Designation:** Hillside Medium Density Residential

**Present Zoning:** Single Family Hillside "R1-H" District

**Existing Land Use:** Single family residence

**Agenda Sent To:** Applicant and property owners

**Attachments:** Project plans

**PJ No.** N/A

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### BACKGROUND

This item was continued at the February 9, 2005 Planning Commission meeting to allow the applicant time to revise the plans and provide more information to demonstrate compliance with the Hillside Ordinance.

On May 17, 1984, the City Council approved Planned Unit Development (PUD) 21, Summit Pointe, that included a subdivision of 88 lots. The City Council approved the architectural and

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site plans for the subject residence on October 3, 1985. Subsequent amendments were approved by staff for a swimming pool on June 26, 2000 and for a 1,509 square foot deck around the swimming pool on September 5, 2001.

### **Site Description**

The residence is located in the Summit Point PUD in the hillside on the south side of Pebble Beach Court at the end of the cul-de-sac. Country Club Drive lies to the south and Calera Creek Heights Drive is to the west and north. The 17,908 square foot lot consists of a single-family residence with a swimming pool, deck, landscape areas, paved landings and walkways, accessory structures and a perimeter fence.

### **THE APPLICATION**

The application is submitted pursuant to Section 45.09 (Hillside Combining District Site and Architectural Approval), Section 54.11-5 (Hillside Fences) and Section 54.09 (Accessory Building and Structure) of the Milpitas Zoning Ordinance.

### **Project Description**

A number of structures have been constructed on the property without obtaining the necessary approvals and permits. Staff has been working with the applicant to bring these into conformance with both the zoning and building codes.

The applicant is requesting to permit five (5) accessory structures including a circular trellis, gazebo, pool equipment enclosure, barbeque trellis and a solar trellis in the rear half of the property. The structures range from 6'-9" to 12' in height and are constructed of wood, concrete block and posts, tile and asphalt composition roof material. Most of the structures are natural wood color with the exception of the plinths of the circular trellis which are painted off-white, pool equipment enclosure in natural gray concrete block and its proposed trellis also painted white.

In addition, the applicant is requesting to permit a perimeter fence at the rear and sides of the property. Most of the existing fence is comprised of openwork wrought iron atop a concrete block base, which is also a retaining wall, with concrete block pillars spaced approximately 12-feet on center. The base and pillars have a stucco finish painted white and the wrought iron fence is painted black. The western portion of the fence is currently a solid concrete wall with no wrought iron. The applicant proposes to remove the solid upper portion and replace it with openwork wrought iron to match the other existing fencing. Each post is topped with a 1'-9" tall light fixture. As measured from the interior grade, the fence height including the retaining wall and light fixtures varies from 5'-6" to 7'-6". The applicant is also requesting to retain additional light fixtures onsite. This lighting includes 8, three-lamp pole light fixtures in the rear and side yards and 3, one-lamp pole fixtures in the front yard.

The applicant is also proposing other minor changes that can be handled administratively including a reduction of impervious surface coverage by 2,947 square feet to accommodate the accessory structures and a future addition, lowering the height of existing concrete retaining walls to 4 feet, and the addition of new landscaping.

### Conformance with the General Plan

The proposed use does not conflict with the General Plan Policies, and is consistent with Implementing Policy 2.a-I-18, which ensures that development in the hillside area is reviewed and approved such that it is keeping with the natural character of the hillside and views are protected. As conditioned, the materials, design of the accessory structures and reduction in lighting is in keeping with the natural setting and view of the hillside.

### Conformance with the Zoning Ordinance

The project is consistent with the following applicable hillside development standards of the Zoning Ordinance and PUD 21 development standards:

Hillside Development Standard	Proposed Project	Complies ?
Accessory Structure Height - 17 feet	12 feet	Yes
Accessory Structure Size – 2,000 sq. ft.	339 sq. ft. (total)	Yes
Outdoor Lighting – minimum wattage, shielded so not directly visible off-site	Fixtures with shields	Yes (as conditioned)
Fence Material – natural or other material approved by the Commission.	Concrete block with stucco & wrought iron	Yes (with PC approval)
Fence Height - none	7'-6" maximum interior height	Yes
Fence Openwork – 75% Transparency	75.56%	Yes
Impervious Surface Coverage – 8,000 sq. ft.	7,840 sq. ft.	Yes
Roof Material – ceramic or concrete tile metal, tri-laminate asphalt composition	Non tri-laminate Asphalt composition on gazebo	Yes (as conditioned)

### ISSUES

#### Accessory Structures

The accessory structures are consistent with the Zoning Code in terms of height, size and impervious surface coverage. Staff has been working with the applicant to remove 2,947 square feet of the impervious surfaces that include concrete and stone walkways and patios and replace with turf blocks and landscaping. This reduction would accommodate the 339 square feet of accessory structures, a future 100 square foot addition to the residence and comply with the 8,000 square foot maximum coverage established in the Hillside Combining district. The only issues are that of the barbeque trellis location and the gazebo roof material. The existing location of the barbeque trellis is within 3 feet of the property line. To bring the structure into

conformance with the zoning ordinance, the applicant proposes to relocate the barbeque trellis 3 feet away from the property line. Additionally, the gazebo structure has a *non* tri-laminate roof material, which is not permitted per the PUD 21 and hillside development standards. **Staff recommends** a condition of approval, to replace the roof material on the gazebo with a concrete tile or tri-laminate asphalt composition material that matches or complements the roof material on the residence.

### Fence

The existing and proposed modifications to the perimeter fence are in conformance with zoning ordinance with the exception of material. Pursuant to Section 54.11-5 all fence posts and supporting framework must be wood in order to maintain the rural character of the hillside. However, as noted in this section, the Planning Commission may approve an alternative material for the posts. The existing posts and retaining wall bases are comprised of concrete and painted white. The use of the concrete allows the base to act as a retaining wall, which connects the post of the same material. The base and posts complement the residence and similar material used within the rear yard. Similar fence types have been approved within PUD 21 and therefore staff concludes it would be appropriate and not be out of character within the hillside development.

### Light Fixtures

Pursuant to Section 45.15 (Outdoor Lighting) of the Hillside Ordinance, outdoor lighting should use minimum wattage lights which are shielded so as not to be directly visible from off-site. The current light fixtures on the fence posts and on the freestanding pole fixtures do not meet the criteria. To bring the outdoor lighting into conformance, the applicant proposes to replace all of the existing fixtures with fixtures that shield the light from off-site, the type and style of which has not yet been determined. It will be challenging to completely shield light from off-site since the freestanding lamps have 3 fixtures per pole that emit light in all directions and the fixtures on the fence are on the perimeter of the property. Therefore, **staff recommends** the following conditions that would achieve the objective of the ordinance:

- Reduce the wattage of all the site lighting that will safely illuminate the immediate area, yet not be visible from off-site;
- Submit details of the replacement light fixture for Planning Staff approval to ensure they properly shield the light from off-site. Should the fixtures not adequately shield the light, the applicant shall reduce the light fixtures on the fence posts to alternate every other post and reduce the height of the lamp poles in the rear and side yards or replace with lower lights such as landscape or walkway lighting that safely illuminates the area; and
- Submit an isolumination or photometrics plan to demonstrate existing and proposed reduced light levels.

As conditioned, the accessory structures and fence meet the intent, development standards and guidelines of the Hillside Ordinance. The structures are consistent with Section 45.09-7 (Hillside Site and Architectural Guidelines) of the Zoning Ordinance in that they do not interfere with views and privacy. The property is located on a down slope with no residences below it and is not visible from the valley floor or public rights-of way. The reduction in lighting levels will

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assist in reducing impacts on adjacent properties. The replacement of the impervious surface with grass and turf blocks preserves the natural landscape as does the use of wood in most of the structures. The accessory structures are not bulky in that they are openwork design (not solid) and do not impair light and air to pass through them. Grading of the site was approved with the original subdivision that created PUD 21. In addition, grading plans were approved for the residence and the addition of the pool and deck. No permits are required for the retaining walls and landscaping that terrace the rear and side yards. Overall, the grading of the site is in concert with the existing natural contours of the hillside terrain and is consistent with the grading requirements.

### **Conformance with CEQA**

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.

### **RECOMMENDATION**

Close the Public Hearing. Recommend approval of Site and Architectural Approval Amendment No. SA2004-123 to the City Council based on the Findings and Special Conditions of Approval listed below.

### **FINDINGS**

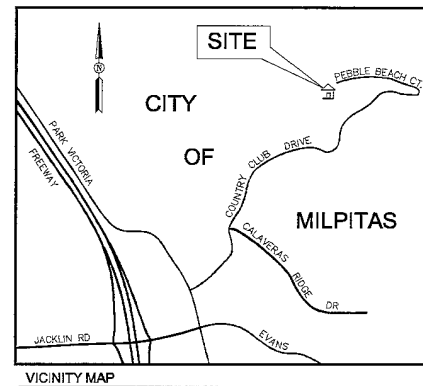
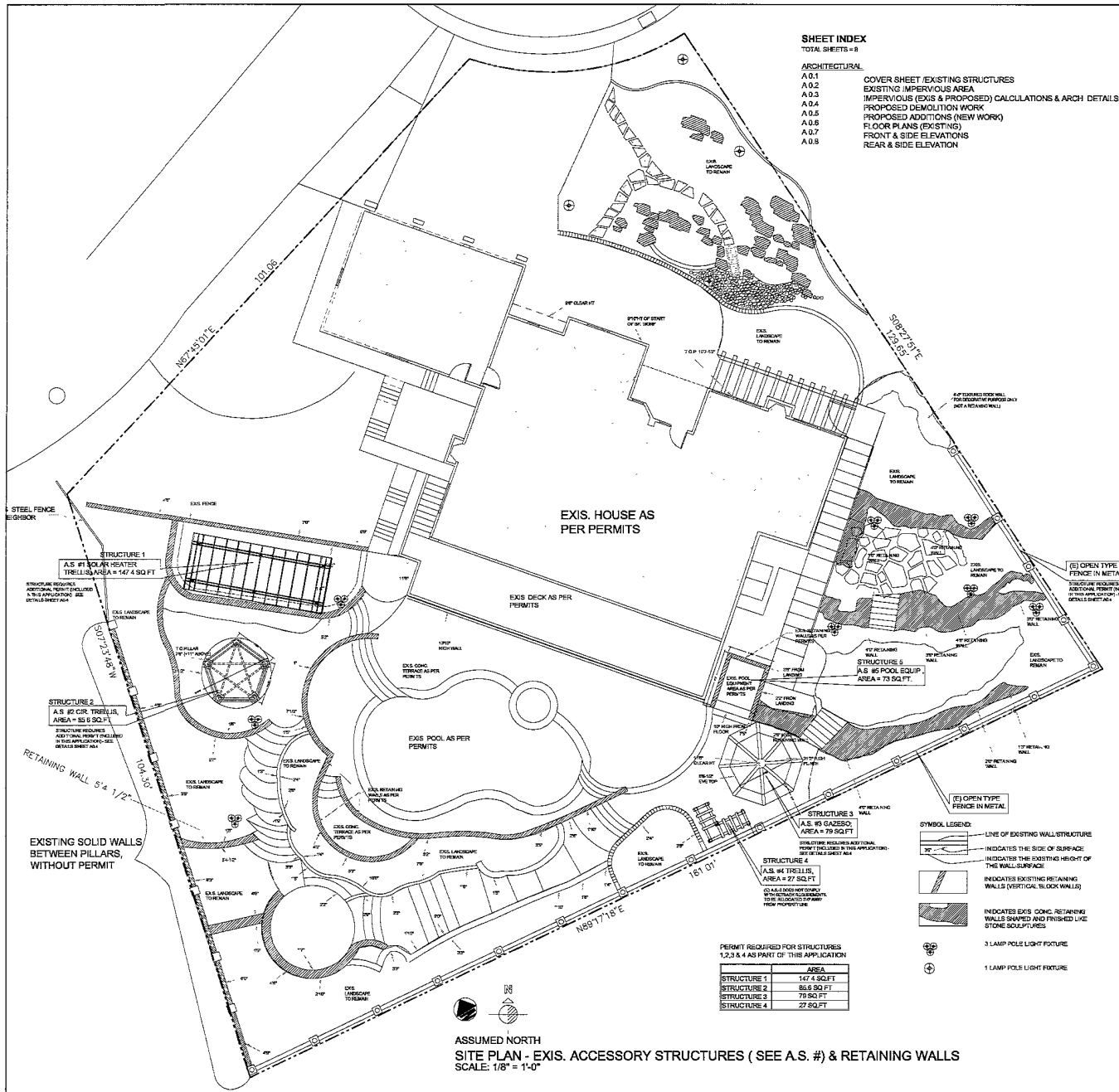
1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.
2. The proposed project is consistent with the General Plan Implementing Policy 2.a-I-18, which ensures that development in the hillside area is reviewed and approved such that it is keeping with the natural character of the hillside and views are protected. As conditioned, the materials, design of the accessory structures and reduction in lighting are in keeping with the natural setting and view of the hillside.
3. As conditioned, the accessory structures and fence are consistent with the Zoning Ordinance and meet the intent, development standards and guidelines of the Hillside Ordinance in terms of privacy, bulk, natural landscape, impairment of light and air and grading.

### **SPECIAL CONDITIONS**

1. This Site and Architectural Approval Amendment No. SA2004-123 is to permit five (5) accessory structures, site lighting and a perimeter property fence, as shown on approved plans dated February 23, 2005 and as modified by these conditions of approval. Any significant modification of this approval requires review by the Planning Commission and City Council. Any other minor modifications, per Section 42-10-2, to approved plans may be approved by the Planning Division or Planning Commission Subcommittee. (P)

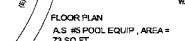
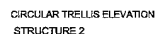
2. Prior to any building permit issuance, the exiting non tri-laminate asphalt composition roof material on the gazebo shall be replaced with a shingled tile, such as a concrete tile or tri-laminate asphalt composition shingle, which matches the roof material of the house. (P)
3. Prior to building permit issuance, the applicant shall reduce the wattage of all the site lighting to a level that will safely illuminate the immediate area yet not be visible from off-site. (P)
4. Prior to any building permit issuance, the applicant shall submit details of the replacement light fixture for Planning Staff approval to ensure they properly shield the light from off-site. Should the fixtures not adequately shield the light, the applicant shall reduce the light fixtures on the fence poles to alternate every other post and reduce the height the of the lamp poles in the rear and side yards to below the fence height or replace with lower lights such as landscape or walkway lighting that safely illuminates the area. (P)
5. Prior to building permit issuance, the applicant shall submit an isolumination or photometrics plan to demonstrate the existing and proposed reduced light levels. (P)
6. This project shall be conducted in compliance with all appropriate local, state, and federal laws and regulations. (P)

(P) = Planning Division



CONSULTANT	DESIGN CONSULTANT		EDGE CONCEPTS INC.		
	STRUCTURAL CONSULTANT		ALANIS (PEOPLE ASSOCIATES)		
	MECHANICAL CONSULTANT		FIRE SPRINKLER CONSULTANT		
	LANDSCAPE CONSULTANT		LANDSCAPE CONSULTANT		
OWNER	LANDSCAPE REMODEL FOR		MRS. PEPITA MILAN		
	1594 PEBBLE BEACH COURT, MILPITAS		CALIFORNIA 95035		
	APN: 028-55-018				
SHEET NO.	COVER SHEET/EXIS. STR.		PROJECT NUMBER: PEP-MAIL-159		
	A.C. 1		ISSUED: 02.14.05		
			DESIGNED BY: J. MARKAR		
			DESIGN SUPERVISION: J. MARKAR		
		FILENAME: PEP-MIL-159-PLA.DWG		SHEETS	
				OF 08	



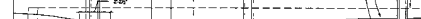


**FENCE DETAIL: OPEN TYPE EXISTING**

SCALE 1/2" = 1'-0"



SCALE 1/2" = 1'-0"

CONSULTANT INFO

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**LAND SURVEYORS**

**ENERGY CONSULTANT**

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LANDSCAPE CONSULTANT

## OWNER INFO

LANDSCAPE REMODEL FOR  
MRS. PEPITA MILAN  
1594 PEBBLE BEACH COURT, MILPITAS  
CALIFORNIA 95035  
APN: 028-55-018

SHEET INFO

NO	REVISION	DATE
01	PLANNING REVIEW	09.11.04
02		
03		
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ARCH. DETAILS

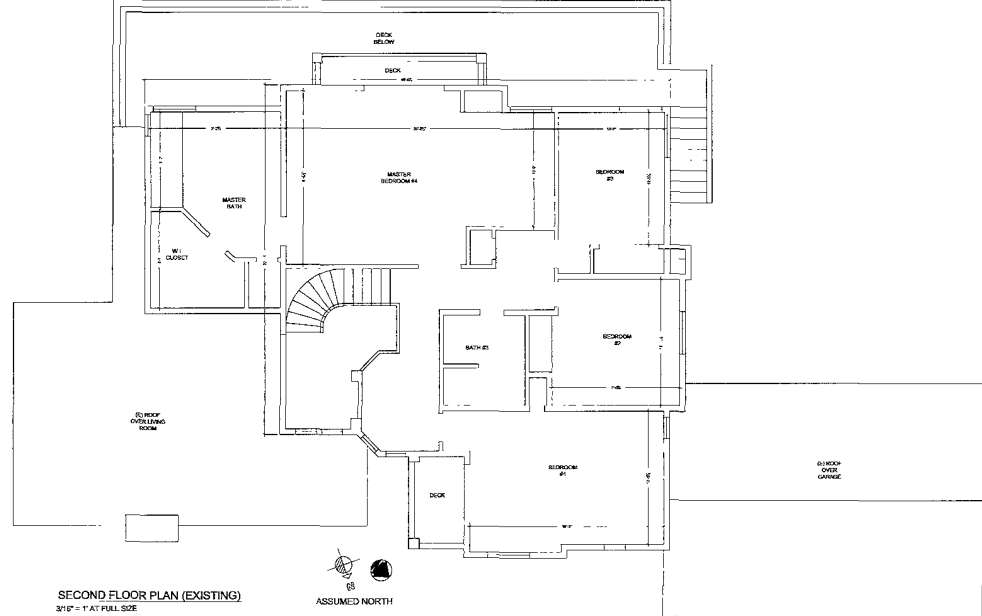
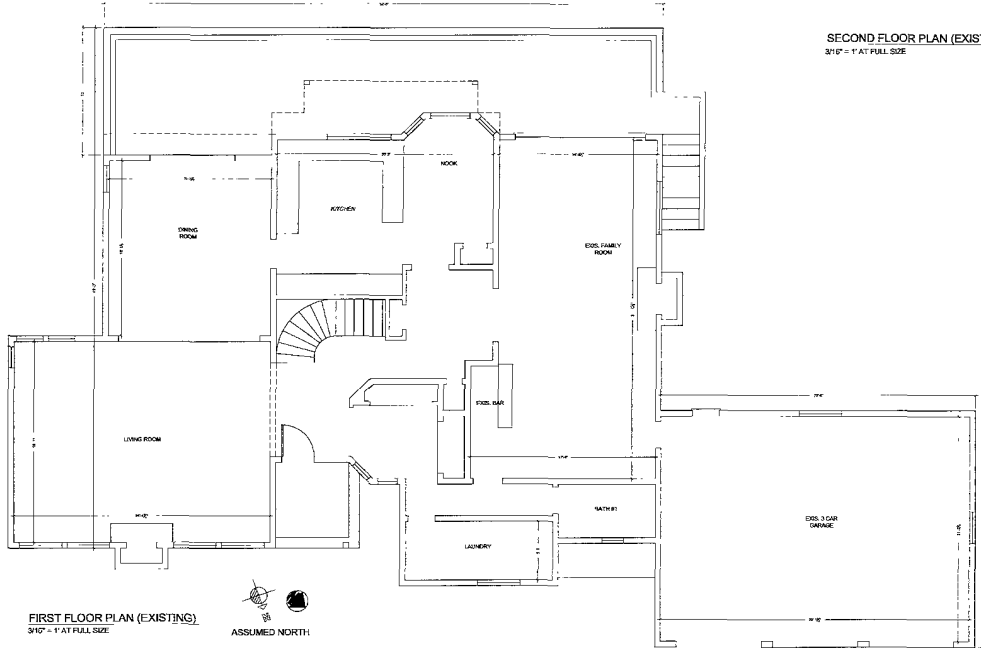
PROJECT  
ISSUED  
DESIGN  
DESIGN

SHEET NO  
A0.3

OF 0.8 SHEETS







CONSULTANT INFO:

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OWNER INFO:

LANDSCAPE REMODEL FOR  
MRS. PEPITA MILAN  
1594 PEBBLE BEACH COURT, MILPITAS  
CALIFORNIA 95035  
APN: 029-85-018

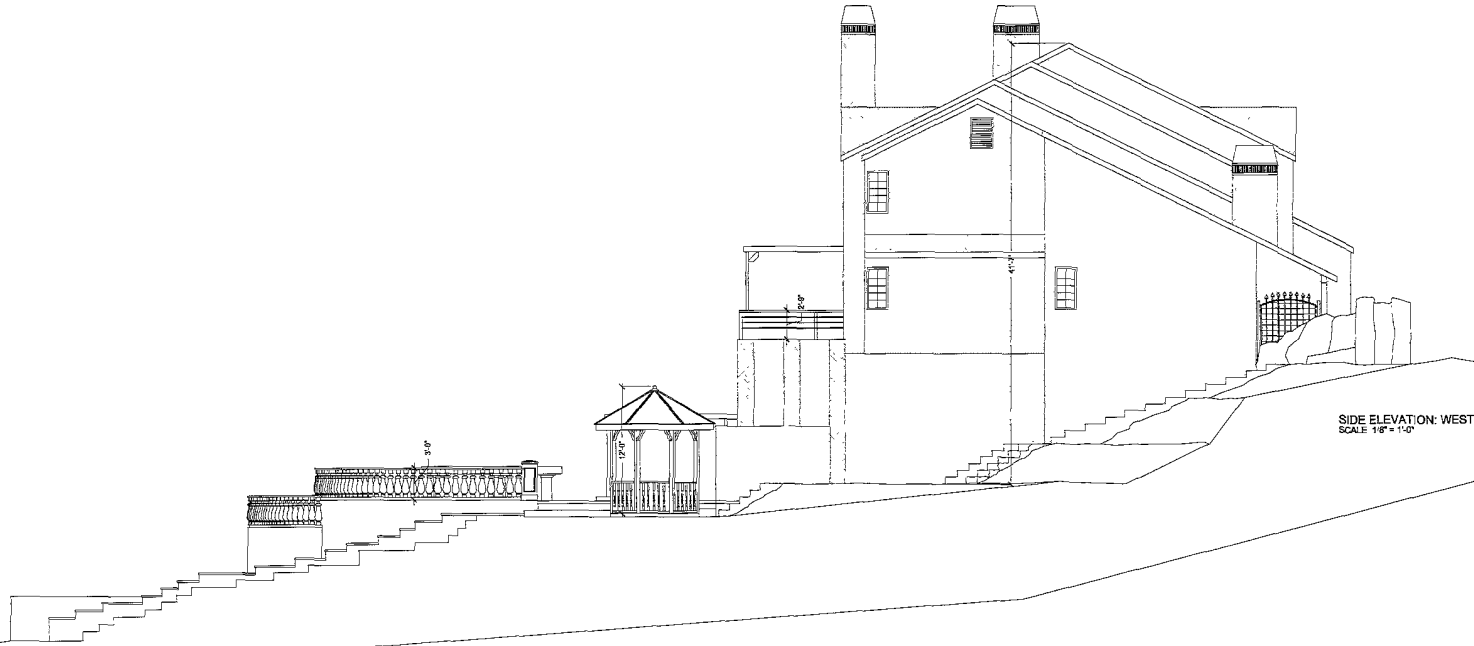
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NO.	REVISION	DATE
01	PLANNING REVIEW	10/21/04
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SHEET NO  
A0.6  
OF 0.8 SHEETS



FRONT ELEVATION: NORTH  
SCALE: 1/8" = 1'-0"



SIDE ELEVATION: WEST  
SCALE: 1/8" = 1'-0"

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OWNER INFO:

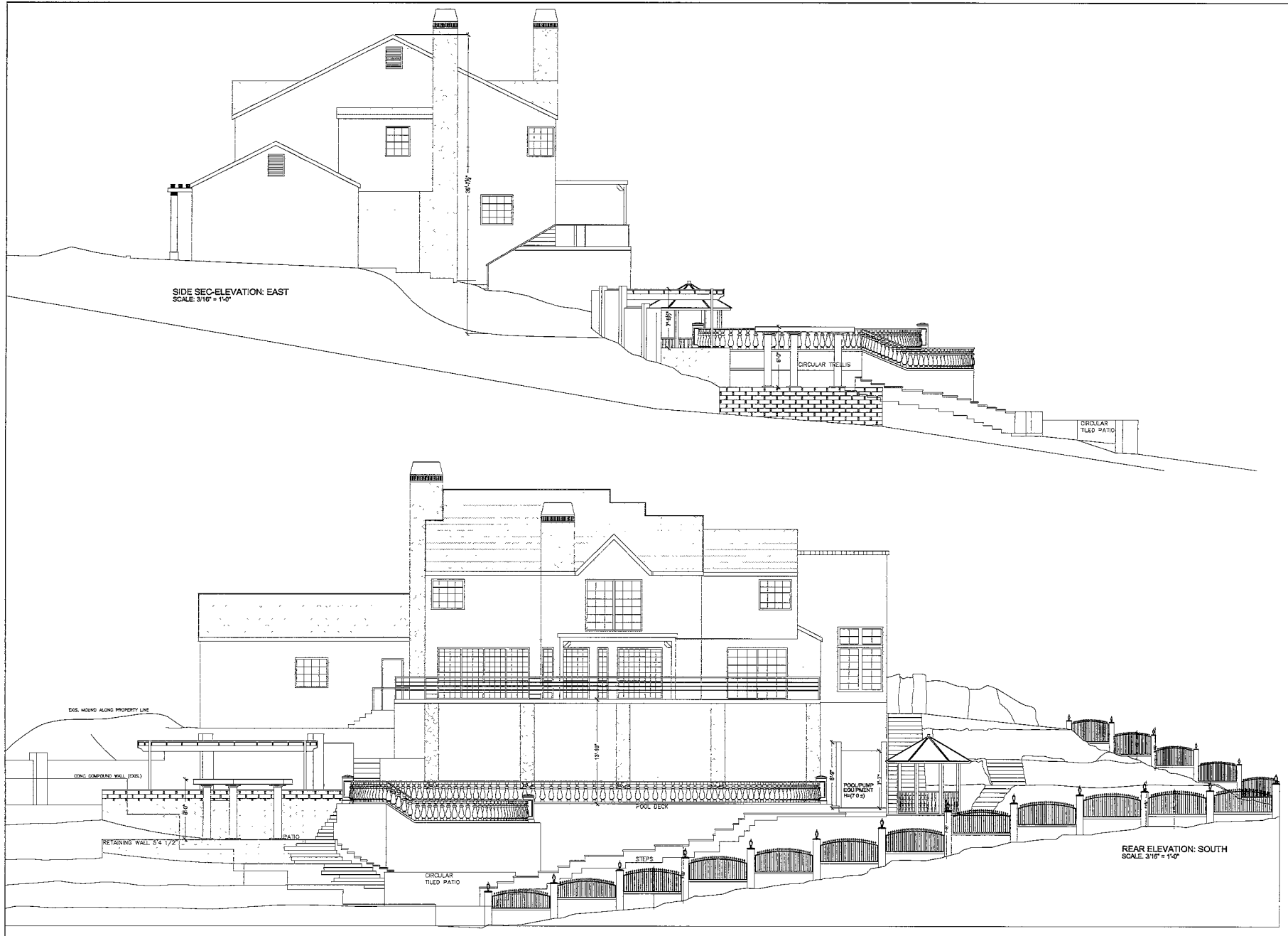
LANDSCAPE REMODEL FOR  
MRS. PEPITA MILAN  
1594 PEBBLE BEACH COURT, MILPITAS  
CALIFORNIA 95035  
APN: 029-55-018

SHEET INFO:

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	02-14-03
2	REVISED	02-14-03
3	REVISED	02-14-03
4	REVISED	02-14-03
5	REVISED	02-14-03
6	REVISED	02-14-03

PROJECT NUMBER: PEP-MIL-159  
ISSUED: 02-14-03  
DESIGN BY: J. MARKAR  
DESIGN SUPERVISION: J. MARKAR  
FILE NAME: PEP-MIL-159-FLA.DWG

SHEET NO.  
A0.7  
OF 0.8 SHEETS



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LANDSCAPE CONSULTANT

# OWNER INFO:

LANDSCAPE REMODEL FOR  
MRS. PERITA MILAN  
1504 PEBBLE BEACH COURT, MILPITAS  
CALIFORNIA 95035  
APN: 029-55-016

# SHEET INFO

NO.	REVISION	DATE
01	PLANNING REVIEW	08/11/14
02		
03		
04		
05		
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PROJECT NUMBER	PEP-MIL-159
DESIGNED BY	02/11/14
DESIGN SUPERVISOR	J. MAKAR
FILENAME	PEP-MIL-159-PA-LANDG

SHEET NO  
A0.8  
OF 0.8 SHEETS